

Town of Mashpee

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Planning Board Minutes 01-16-2013

Mashpee Planning Board

Minutes of Meeting

January 16, 2013 at 7:00 p.m.

Selectmen's Meeting Room, Mashpee Town Hall

Approved 2/6/13

Planning Board Members Present: Chairman Mary Waygan, Vice Chair George Petersen, Clerk David Kooharian, Dennis Balzarini

Also Present: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer

Absent: Joe Mullin

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Selectmen's Meeting Room at Mashpee Town Hall by Chairman Waygan at 7:05 p.m. on Wednesday, January 16, 2013 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—December 5, 2012

MOTION: Mr. Balzarini made a motion to amend the agenda to review and approve the minutes of the December 5th meeting of the Mashpee Planning Board. Mr. Kooharian seconded the motion. Roll Call: Mr. Balzarini-yes; Chairman Waygan-yes; Mr. Petersen-yes; Mr. Kooharian-yes.

Mr. Fudala an amended version of the minutes was provided in members' packets.

MOTION: Mr. Petersen made a motion to accept the minutes of the meeting from December 5, 2012, as presented in the Planning Board packet. Mr. Balzarini seconded the motion. All voted unanimously.

SPECIAL PERMITS

Applicant: Dino Mitrokostas

Location: Finally Dino's Pizza, Route 151

Request: Modification of special permit site plans regarding proposed changes to outside dining area and canopy. (11-7-12 vote that no advertised hearing required)

The Chair read for the record the request. Attorney Kevin Corrain presented the request on behalf of restaurant owner Dino Mitrokostas, who was also present at the meeting. Mr. Corrain referenced the current outside dining area featuring a bar with an awning, and no connection to the septic system. Mr. Corrain described their request to involve the installation of a retractable awning, the construction of a 10' x 26.5' shed-like structure to serve as a bar, increased bar seating to 15 (from 8), increased outdoor seating to 50 seats (from 32) and installation of a fire pit. The shed structure would be connected to the septic system to address washing and ice needs. The overall seating capacity of the restaurant would not change due to the closing of one section inside, eliminating 24 interior seats during the summer months. Mr. Corrain explained that the retractable awning would allow usage of exterior dining space during inclement weather and would offer an improvement to the aesthetics and utilization of the area. Offering increased exterior seating would allow the restaurant to be more competitive with other restaurants offering outdoor seating. Upon questioning, Mr. Corrain confirmed that the bar would feature permanent cover and noted that the retractable awning included gutters. The fire pit would not be used for cooking. Mr. Corrain stated that the Special Permit had been modified a number of times and that the request had been approved by the Design/Site Plan Review Committee. It was expected that the exterior would be utilized April to October. Mr. Corrain will also be presenting to the Board of Selectmen regarding their liquor license. Mr. Balzarini inquired about the Fire Department response and Mr. Fudala confirmed that they were part of the Plan Review Committee.

At this time, no changes were expected regarding the signs but Mr. Mitrokostas indicated that he would return to the Planning Board should a sign be necessary. Mr. Fudala summarized recommendations from Design/Plan Review and read for the record the conditions highlighted in Special Permit Modification #7. There was discussion regarding the shopping center's septic system being at capacity and Mr. Mitrokostas reported that he would close 24 seats inside of his restaurant to allow use of the seating outside, maintaining his capacity of 222 seats. There was

discussion regarding the wording in the second condition and it was determined that “so that” be removed.

MOTION: Mr. Kooharian made a motion to accept the plan for the outdoor seating as amended in Special Permit Modification 7. Mr. Balzarini seconded the motion. All voted unanimously.

The plans were signed by Chairman Waygan and the permit signed by Planning Board members. Mr. Mitrokostas described the awning as able to sustain hurricane strength winds, carry the weight of 3 feet of snow and included gutters on the structure. Mr. Mitrokostas offered to provide an as-built plan of the shopping center to the Town.

Applicant: Southport on Cape Cod Condominium Association, Inc.

Location: Southport retirement condos

Request: Modification of special permit site plans regarding activity center parking lot expansion
Southport has requested a postponement.

APPROVAL-NOT-REQUIRED

Applicant: Paul Tragiannopoulos and Cape Cod Camp Corporation

Location: 593 Main Street and 0 Baker’s Road, Assessors’ Map 20, Parcels 2 and 3C

Request: 2-lot plan to move property line

The Chair read for the record the request. As a member of the Camp Farley Board, Mr. Kooharian recused himself from consideration of the request. There was discussion regarding the availability of a signature on the application authorizing the movement of the property line. Mr. Fudala recommended that the plan be reviewed and signed, pending a second signature from the authorized agent of the Cape Cod Camp Corporation. Mr. Fudala will hold the plans. Planning Board members were in support of Mr. Fudala’s recommendation. Tom Bunker stated that the property was located at 593 Main Street and owned by Paul Tragiannopoulos. Cape Cod Camp Corporation, owners of Parcel C-3, has agreed to sell 2 feet of land to Mr. Tragiannopoulos. The parcel is 150 foot long and 2 feet wide, and will be labeled Parcel A and conveyed to Mr. Tragiannopoulos on Lot 2. It was noted that it was a setback issue.

MOTION: Mr. Balzarini made a motion that approval was not required. Mr. Petersen seconded the motion. 3-yes, 1-abstain

Chairman Waygan signed the plan.

PERFORMANCE GUARANTEE

-Approval of amended site plan and flooding covenant release for 149 Noisy Hole Road (Jim Kalweit, formerly Pagani property)-The request has been withdrawn and Mr. Kalweit has decided to build what was previously approved.

COMPREHENSIVE PLAN

Land Use & Growth Management-Mr. Fudala stated that he added items in italics and underlined. There was some discussion regarding changing wording in the second to the last paragraph but it was decided to keep it as it appeared. Board members expressed unanimous consent to accept the vision statement as amended.

MOTION: Mr. Balzarini made a motion to accept the vision statement of the Land Use & Growth Management Element as presented. Mr. Kooharian seconded the motion. All voted unanimously.

The Chair recommended that Board Members review the remainder of the Land Use & Growth Management Element and come prepared to discuss it at the next meeting on February 6. Mr. Fudala confirmed that the Board would need to combine Cape Cod Commission text along with the original draft of the LU&GM.

BOARD ITEMS

Old Business

Discussion of Greenways Proposal-Mr. Fudala, Mr. Kooharian and Chairman Waygan will make arrangements to have a meeting regarding the phasing of the proposal.

Mashpee Commons-Doug Storrs has retired from Mashpee Commons but will remain as a consultant for the Mashpee Commons project.

MMR Military Civilian Community Council/MMR Joint Land Use Study (JLUS)-No update.

Design Review Committee-Mr. Kooharian has been unable to attend the meetings due to his work schedule.

Mr. Fudala reported that the Committee was down to three members and there was discussion regarding the reconfiguration of the Committee. Chairman Waygan recommended meeting in the afternoon the day before Site Plan Review, with a representative attending the Site Plan Review meeting on the next day. The Chair stated that she wished to continue to send a representative from the Planning Board, but that members were committed during working hours.

Environmental Oversight Committee-Mr. Petersen discussed the use of shellfish as a component of wastewater planning in Mashpee, as presented by Shellfish Constable Rick York. Pilgrim Nuclear Power Plant and the lack of an evacuation plan was also discussed at the most recent meeting.

Community Preservation Committee-Chairman Waygan reported that three applications were considered and approved, and sent to the Board of Selectmen for their review. Two of the projects were from the Department of Public Works and included the band stand at Memorial Park and improvements and updates to Tiger Long Playground, including a splash park, shade elements and accessibility. The other application was a \$10,000 request from the Affordable Housing Committee and the Affordable Housing Trust to conduct a feasibility study to determine if multi-family rentals would be an option for 209 Barnstable Road. The Mashpee Housing Authority reported great success with their \$300,000 rental assistance, emergency payment, loan revolving fund, first time homeowner program and the CPC has requested that they apply for additional funds as there were 23 people on the waiting list.

Historic District Commission-No meetings

New Business

Planning Board Member for Town Charter Review Committee-

MOTION: Mr. Balzarini made a motion that Chairman Waygan be designated to the Town Charter Review Committee. Mr. Kooharian seconded the motion. All voted unanimously.

Chairman Waygan will forward a memo to the Town Manager informing her of the appointment.

C. Rowley Expense Vouchers-December bills were submitted in the amount of \$332.50 for Planning Board expenses and \$285 for Southport expenses in December.

MOTION: Mr. Balzarini made a motion to pay Mr. Rowley \$285 and \$332.50. Mr. Petersen seconded the motion. All voted unanimously.

The vouchers were signed by members of the Planning Board.

WATERWAYS LICENSES

- Martin & Kathleen Clark, 76 Cayuga Avenue, to install and maintain a seasonal dock in John's Pond
- Kathleen A. Impey, 90 Captains Row, construct and maintain a pier, ramp and float in Popponesset Bay
- Greg Bush, Santuit Pond dock

CORRESPONDENCE

- Whitewater, Inc. – October 2012 SouthCape Village WWTP monitoring report N=4.7
- Whitewater, Inc. – November 2012 SouthCape Village WWTP monitoring report N=5.2
- Town Manager – Request for appointment of Planning Board member or designee to Town Charter Review Committee

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Jennifer M. Clifford

Board Secretary

LIST OF DOCUMENTS

- Proposed Plan—Dino's Terrace Bar
- John's Pond Center Project--Special Permit Modification #7
- LU & GM Element 1/11/13
- Town Charter Review Committee Memo
- Public Hearing Notice for Road Naming
- Planning Board Annual Report
- Medical Marijuana Memo
- Wicked Local Medical Marijuana Memo